

REMARKS

Applicants have carefully reviewed the Final Office Action mailed on December 31, 2003. Applicants respectfully traverse all objections, rejections, and assertions made by the Examiner. With this amendment, claims 1, 8, 10, 11, 12, 13, 14, 16, 17, 19 and 20 are amended. Claims 1-6 and 8-21 remain pending.

Claims 1-9, 11, 13, 15, 16, 18 and 21 are rejected under 35 U.S.C. §102(b) as being anticipated by Parry in U.S. Patent No. 5,016,369. Please note that claim 7 was previously cancelled without prejudice. Claim 8 has been amended to correct dependency from a cancelled claim. Regarding claims 1-6, 8-9 and 11, amended claim 1 now recites that the second projection includes at least one side surface with an aperture. This feature can be seen, for example, in Figure 1 where apertures 23 are disposed along a side surface (i.e., a surface different from top surface 25). The apertures can allow a therapeutic agent to flow laterally into tissue that has been secured together by the surgical clip (please see Figure 3). Claim 11 is amended to further define this feature and to distinguish it from amended claim 1. Parry, in contrast, does not disclose any apertures along the side surfaces. Therefore, substance 23 can only be released at weakened portion 14 when the tag assembly 1 is attached to the ear of a cow. Based on the above amendments and these remarks, Applicants respectfully submit that claim 1 is now in condition for allowance. Because claims 2-6, 8-9 and 11 depend from claim 1, they are also allowable based on this amendment and because they add significant elements to distinguish them further from the prior art.

Regarding claims 13 and 15, amended claim 13 similarly recites that the second projection includes one or more apertures along the side surface. Therefore, amended claim 13 is believed to be patentable over Parry. Because claim 15 depends from claim 13, it is also allowable based on this amendment and because it adds significant elements to distinguish it further from the prior art.

Regarding claims 16, 18 and 21, amended claim 16 similarly recites that the second projection includes one or more apertures along the side surface. Therefore, amended claim 16 is believed to be patentable over Parry. Because claims 18 and 21 depend from claim 16, they are also allowable based on this amendment and because they add significant elements to distinguish them further from the prior art.

Claims 10, 12, 14, 17, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Amended claims 10, 12, 14, 17, 19 and 20 now include all the limitations of their respective base claims and all intervening claims. Accordingly, Applicants respectfully submit that claims 10, 12, 14, 17, 19 and 20 are in condition for allowance.

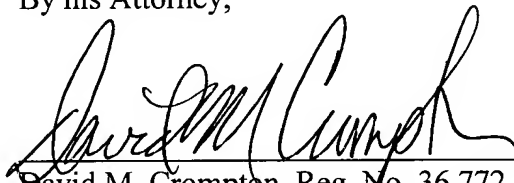
Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Jeffrey M. Wendlandt

By his Attorney,

Date: 2/11/04


David M. Crompton, Reg. No. 36,772
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, MN 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349